

# McDermott Will & Emery

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**FACSIMILE****Date:** May 14, 2010**Time Sent:**

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Examiner Reichle (Art Unit 3761)	Unites States Patent and Trademark Office	571-273-4936	571-272-4936
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<i>Sent By:</i>		<i>Direct Phone:</i>	
<i>Client/Matter/Tkpr:</i>	050069-0110/5265	<i>Original to Follow by Mail:</i>	No
		<i>Number of Pages, Including Cover:</i>	3

Re: Request for Personal Interview regarding U.S. Patent Application No. 10/030,249

**Message:**

Dear Examiner Reichle,

Attached please find an interview request form. Please let me know your availability. Applicants would like to have your help to solve issues, especially, objections to the specification, drawings, and claims.

Thank you very much.

Very truly yours,

Tomoki Tanida

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Doc Code: M865 or FAI.REQ.INTV

PTOL-413A (10-09)  
Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE**Applicant Initiated Interview Request Form**

Application No.: 10/030,249 First Named Applicant: Kenichi Tabata  
 Examiner: Karl M. Reichle Art Unit: 3761 Status of Application: Pending

**Tentative Participants:**

(1) Tomoki Tanida (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: May 19, 2010 Proposed Time: 11:00am (AM/PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>Claim 26</u>	<u>Roe et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Obj.</u>	<u>Drawings</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Obj.</u>	<u>Specification</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

☐ Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPF Signature

Tomoki Tanida

Typed/Printed Name of Applicant or Representative

60,453

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Rejection of Independent Claim 26 under 35 U.S.C. § 102(b)**

Claim 26 is rejected under 35 U.S.C. § 102(b) as being anticipated by Roe et al. (U.S. Patent No. 5,776,121, hereinafter "Roe").

Roe appears to disclose a disposable absorbent article including a liquid pervious sheet (38); a liquid impervious sheet (42); an absorbent structure including an absorbent core (44); and standing cuffs (102) comprising standing sheet (62) and stretching members (77). Roe also appears to show that the liquid pervious sheet has a width greater than that of the absorbent structure (*see*, e.g., column 5, lines 15-21: "[t]he topsheet 38 and backsheet 42 extend beyond the edges of the absorbent core 44 to thereby form the periphery 28 of the diaper 20").

However, Roe does not identically disclose where stretching members are arranged in the standing sheet under the meaning of 35 U.S.C. § 102. For example, Fig. 1 of Roe shows elastic members 77 and 84 (spacing means 76 could also be one or more elastic members 77 (column 9, lines 21-22)).<sup>1</sup> However, Fig. 2 which is a cross-sectional view of Fig. 1 does not show where the elastic members are located. Fig. 3 shows cuff area 102, but does not show where the electric members are located, either.

**Objections to Drawings, Description, and Claims, and Rejection of Claims under 35 U.S.C. § 112, Second Paragraph**

We wish to solve all formality issues, and would like to have your detailed comments on how to amend the documents. We will prepare proposed amendments.

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<sup>1</sup> It is unclear as to whether elastic member 77 in other locations could be plural. However, the Examiner's position that each dashed line in Fig. 1 indicates one elastic member 77" appears to be incorrect. We believe that each dashed line indicates one of edges of elastic member.